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September 1, 2006

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**By E-File and Hand Delivery**

Honorable Sue L. Robinson  
United States District Court  
J. Caleb Boggs Federal Building  
844 King Street  
Lockbox 31  
Wilmington, DE 19801

Re: **Howard Hess Dental Labs. Inc., et al. v. Dentsply  
Internat'l, Inc., C. A. No. 99-255 (SLR)**

OF COUNSEL  
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*\*Attorneys admitted to  
practice in Delaware*

Dear Chief Judge Robinson:

I have been informed by Lead Counsel for Plaintiffs and the Putative Class that, pursuant to Your Honor's Order, dated August 22, 2006, the parties have conferred regarding "how to proceed in the above captioned case[]," and have agreed to proceed by briefing Plaintiffs' proposed motion for summary judgment.

As Plaintiffs previously stated in their letter to Your Honor, dated August 11, 2006, Plaintiffs' motion will request an injunction and related relief, based on the fact that, in the government's case, Dentsply has already been found liable for the violation alleged by the *Hess* plaintiffs. *See New York v. Julius Nasso Concrete Corp.*, 202 F.3d 82, 86 (2d Cir. 2000) (affirming summary judgment establishing defendant's antitrust liability, based on collateral estoppel).

The parties have also agreed on a briefing schedule for Plaintiffs' proposed motion for summary judgment with the following deadlines:

Plaintiffs' Opening Brief: On or before October 23, 2006.

Dentsply's Opposition Brief: On or before December 8, 2006.

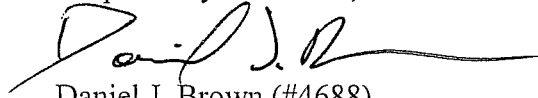
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The Honorable Sue L. Robinson  
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Plaintiffs' Reply Brief: On or before January 9, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Brown", with a long horizontal flourish extending to the right.

Daniel J. Brown (#4688)

cc: Clerk of the Court (by e-file)  
Christian D. Wright, Esq. (by hand)  
Eric J. McCarthy, Esq., (by facsimile)